

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AHAI AMARIS NAMI BEY

Plaintiff,

-v-

JOHN DOE NYPD OFFICERS, et al.,

Defendants.

19 Civ. 2248 (PAE) (OTW)

ORDER

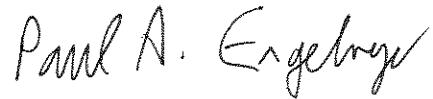
PAUL A. ENGELMAYER, District Judge:

On March 11, 2019, plaintiff filed the complaint in this action. Dkt 1. On November 4, 2019, the Court ordered the plaintiff to file an amended complaint by December 4, 2019. Dkt. 16. On December 12, 2019, the defendants filed a motion to dismiss for failure to prosecute pursuant to Fed. R. Civ. P. 41(b) because the plaintiff had not complied with the Court's November 4, 2019 order to file an amended complaint. Dkt. 17. On December 13, 2019, the Court denied the defendants' motion to dismiss as moot and without prejudice to renew because, although the plaintiff had failed to timely file an amended complaint, it was unclear from the docket whether plaintiff had received the Court's previous order. Dkt. 19. The Court then ordered the plaintiff to file an amended complaint by January 31, 2020. *Id.*

On October 9, 2020, the Court issued an order to show cause why this action should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41 and advised that if the Court did not receive any written communication from plaintiff by October 26, 2020 showing good cause why this action should not be dismissed for failure to prosecute, the Court would dismiss the case without prejudice. Dkt. 22. On October 27, 2020, having failed to receive any written communication from the plaintiff since the Court's order to show cause, the Court dismissed the case, without prejudice, for the plaintiff's failure to prosecute. Dkt. 25.

On July 13, 2021, the Court received a letter from plaintiff with an updated address and request to “proceed” with the case. Dkt. 26. In this letter, although plaintiff alleged that she had failed to receive all of the documentation related to her case from the defendants, she did not allege that she had failed to timely receive this Court’s October 9, 2020 order to show cause. Because plaintiff has failed to provide good cause for why this action should not have been dismissed, or why it should be reopened, her letter motion, which the Court construes as an application to reopen the case, is denied.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: July 19, 2021
New York, New York